

REMARKS

5 In response to the Examiner's Action mailed on March 15, 2004, the drawings and the Abstract are amended. Claims 3 to 5 are canceled and claim 6 is amended. The applicants hereby respectfully request that the patent application be reconsidered.

10 An item-by-item response to Examiner's objections or rejections is provided in the followings:

1 Election/Restriction:

15 The Applicant confirms the election of claims 1-7 for prosecution and claims 8-14 are canceled for future prosecution in a Divisional Application.

2 Information Disclosure Statement:

20 The Examiner stated that listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the
25 references have been cited by the examiner on form PTO-892, they have not been considered.

In response to Examiner's instruction, a separate Information Disclosure Statement will be submitted later.

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3-6 *Objection to Drawings*

5 The Examiner objects to the drawings for failing to comply with 37
CFR 1.84(p)(5) because they do not include the following reference sign(s)
mentioned in the description: a vibrating toothbrush "100" (Page 6 Line
25), a shaft "104-00-shaft" (Page 7 Line 34), a third leg "1 04-3-3" (Page 8
Line 14), a magnetic core "109-01-C" and "111-01-C" (Page 10 Line 4),
rectifiers "109-R" (Page 10 Line 13), and off center shaft "408" (Page 13
Line 19). A proposed drawing correction or corrected drawings are
10 required in reply to the Office action to avoid abandonment of the
application. The objection to the drawings will not be held in abeyance.

15 The Examiner further objects to the drawings as failing to comply
with 37 CFR 1.84(p)(5) because they include the following reference
sign(s) not mentioned in the description: Figures 1A-I D include a
significant portion of reference numbers that are not included in the
specification, Figure 2 "103", Figure 3B "104-01-I", Figure 4 "109-03",
Figure 4 "111-03", Figure 7A "414", Figure 7A "407." A proposed drawing
correction, corrected drawings, or amendment to the specification to add
20 the reference sign(s) in the description, are required in reply to the Office
action to avoid abandonment of the application. The objection to the
drawings will not be held in abeyance.

25 The Examiner further objects to the drawings as failing to
comply with 37 CFR 1.84(p)(4) because reference character "413" has been
used to designate both a screw plate (Page 13 Lines 21-22) and a trough
(Page 13 Line 28). A proposed drawing correction or corrected drawings
are required in reply to the Office action to avoid abandonment of the
application. The objection to the drawings will not be held in abeyance.

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The Examiner further objects to the drawings because in
Figure 7A it appears that reference "407" is pointing to three

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separate structures (one occurrence at the top right of the figure, and the other two occurrences on the right side of the Figure). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

In response to the objections, the Figs. 2A, 3A, 3E, and 4 are amended and the corrections to the drawings are marked in red as that attached to this Amendment transmittal.

Objection to Specification

The Examiner objects to the Specification because the Abstract exceeds 150 words.

In response to the objection, the Abstract is amended and the amended Abstract is less than 150 words.

Rejection of Claims under 35 USC § 102

The Examiner rejects claims 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsui et al., USPN 6,140,723. According to the Examiner, Matsui et al. disclose the claimed invention including an elongated hollow tube (12) defining a toothbrush body having a top head (2) and a bottom seat end (near (18)), a vibrating means (the vibrating means including the system of permanent magnets 23 and 31; Column 6 Lines 13-34), a vibrating lever arm mounted on the vibrating means (II; mounted on fixture 30 and vibrating means magnet 31) and extends to the top-head end (see Figures), and a rotational means (14) for rotating a vibrating driving shaft (21) at a frequency and engaging the vibrating means (23) for generating a vibrating frequency higher than the rotational frequency (Claim 8; Column 3 Lines 3-8). Further, a toothbrush head (2) is mounted onto the toothbrush body and coupled with the vibrating lever

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arm (1 Ia; see Figures; Column 5 Lines 59-67). The rotational means comprises a motor (14) that runs on DC current (from the battery 15) for rotating the vibrating driving shaft (21).

5 In response to the rejection, claims 3-5 are canceled to let the allowable claims issued first. The cancellation of these claims does not constitute an admission that the claims are anticipated by the cited prior art reference. These canceled claims will be further prosecuted in a
10 subsequent Continuation Application such that the allowed can be issued first for protection of the products that are already practiced.

Allowable Subject Matter

15 The Examiner has allowed claims 1-2 and objects to claims 6-7 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20 The Examiner further provides the following statement of reasons for the indication of allowable subject matter: None of the prior art made of record includes a vibrating toothbrush comprising a vibrating means that has a two-arm fork with a first fork and a second fork extended from a central portion wherein the first fork and second fork substantially
25 extend semi-circularly opposite each other and having a first and second permanent magnets attached to an end of the fork and a vibrating means that comprises a multiple-arm permanent magnet attached to and rotating with the shaft wherein the multiple-arm permanent magnet having a plurality of extended arms extended from the vibrating drive shaft toward
30 and rotationally approaching said first and second permanent magnets for magnetically asserting a force on the two-arm fork for vibrating the fork and vibrating lever.

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In response to the objection, claim 6 is amended as an independent claim that includes all the limitations of the base claim and the intervening claims and also amended to overcome the objections of the Examiner. Claims 6 and 7 would therefore be allowable as now amended.

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With the amended claims and the reasons provided above, the applicants hereby respectfully request that Examiner's objections to the Specification and drawings and the rejections under 35 USC § 112, and 35 USC § 102 and objections to the claims be withdrawn and the present application be allowed.

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Respectfully submitted
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By



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